THE HON'BLE MR. JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO. 16127 OF 2005

DATED: 22-08-2005

Between

Dr. A. Amaleswar Rao, S/o. Madhava Rao,

Aged about 69 years, Occupation Retd., Doctor,

R/o. N.R.Pet, Eluru, W.G. District.

..... PETITIONER

And

1. Government of A.P., Rep. by its Secretary,

Dept. of Home, Secretariat, Hyderabad and others.

..... RESPONDENTS

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

THE HON'BLE MR. JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO. 16127 OF 2005

ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader for Home appearing on behalf of respondents 1 to 3 and at their request, the writ petition is disposed of at the stage of admission.

The petitioner, a retired Civil Assistant Surgeon, had joined as a partner in M/s. Laxmi Priya Estates, Gudivada in 1989. It is stated in the affidavit filed in support of the writ petition that the exercise of allotment of plots and execution of registered sale deeds for the house sites were all completed by the end of 1994 though the office of the firm continued to be in existence till 1999. It is alleged that respondents 2 and 3, since March 2005, were sending their men requiring the petitioner's presence in their respective police stations alleging that there were some complaints with regard to registration of plots by M/s. Laxmi Priya Estates, Gudivada and despite his explanation that all these were civil disputes with which the police were not concerned, he was harassed by respondents 2 and 3 and was being called to the police station and made to wait unnecessarily. The petitioner submits that a private panchayat was conducted by respondents 2 and 3 on 18-07-2005. The petitioner contends that involvement of respondents 2 and 3 in a pure civil dispute is without jurisdiction and violates his fundamental rights under Articles 14 and 21 of

the Constitution of India.

Counter affidavit is filed on behalf of respondents 2 and 3 by the Sub-Inspector of Police, II Town Police Station, Gudivada, the 3rd respondent in the writ petition, wherein the allegation that respondents 2 and 3 were sending their men requiring the petitioner's presence in their respective police stations ever since March 2005 is denied. The allegations of harassment, the petitioner being called through phone and being made to wait in the police station unnecessarily are also denied. It is stated that respondents 2 and 3 have not received any complaints from any person regarding the activities of the petitioner and no case was pending against him and as such, the question of calling the petitioner to the police station and harassing him did not arise. It is stated that the allegations made by the respondents are false, concocted and invented for the purpose of the writ petition.

The averments in the counter affidavit are taken on record and in view of the categorical averment therein that there are no complaints received against the petitioner and no case is registered against him and that the petitioner is not being called to attend the police station, the cause in the writ petition no longer survives. The Writ Petition is accordingly dismissed. There shall be no order as to costs.

22..08..2005

ks